

**ENTERED**

July 15, 2024

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

In re:

ENTRUST ENERGY, INC. *et al.*<sup>1</sup>  
Post-Confirmation Debtors.

Chapter 11

Case No. 21-31070 (MI)

ANNA PHILLIPS, as trustee of the ENTRUST  
LIQUIDATING TRUST,  
Plaintiff,

v.

ELECTRIC RELIABILITY COUNCIL OF  
TEXAS, INC.,  
Defendant.

Adv. Proc. No. 22-3018 (MI)

**AGREED ORDER**

The United States Court of Appeals for the Fifth Circuit (the “Fifth Circuit”) having issued its decision regarding Defendant’s appeal and Plaintiff’s cross-appeal of this Court’s September 20, 2022 *Order Granting in Part and Denying in Part ERCOT’s Motion to Dismiss Amended Complaint and for Abstention* [Docket No. 66] in Case No. 22-20603 on April 29, 2024, and the Fifth Circuit’s mandate having issued on May 21, 2024; and the parties having agreed to entry of this order; it is hereby ORDERED as follows:

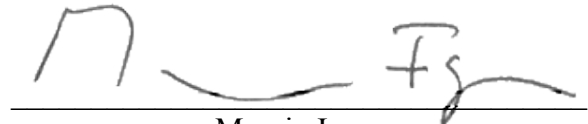
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<sup>1</sup> The Debtors in these chapter 11 cases that are subject to the Plan and the Trust Agreement are: Entrust Energy, Inc.; Entrust Treasury Management Services, Inc.; Entrust Energy East, Inc.; Power of Texas Holdings, Inc.; Akyta Holdings, Inc.; Enserve, Inc.; Akyta, Inc.; Energistics, Inc.; and NGAE, Inc. The Liquidating Trustee’s mailing address is P.O. Box 500787, Atlanta, Georgia 31150.

No chapter 11 plan has been confirmed in the cases of the following Debtors: Knocked, Corp.; SPH Investments, Inc.; Akyta IP, Inc.; Surge Direct Sales, Inc.; Entrust Energy Operations, Inc.; and Strategic Power Holdings, LLC.

1. Counts I-IV of the First Amended Complaint are hereby dismissed.
2. Counts V and VI of the First Amended Complaint are abated pending further order of the Court.

Signed: July 15, 2024



Marvin Isgur  
United States Bankruptcy Judge

AGREED BY:

**MCDERMOTT WILL & EMERY LLP**

/s/ Debbie E. Green

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